

March 22, 2021

Via ECF

The Honorable Loretta A. Preska,  
United States District Court for the Southern District of New York,  
500 Pearl Street,  
New York, NY 10007.

Re: *Petersen Energía Inversora S.A.U., et al. v. Argentine Republic and YPF S.A.*, No. 15 Civ. 2739 (LAP) (“*Petersen*”); *Eton Park Cap. Mgmt. et al. v. Argentine Republic and YPF S.A.*, No. 16 Civ. 8569 (LAP) (“*Eton Park*”)

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Dear Judge Preska:

We write on behalf of Defendants the Argentine Republic and YPF S.A. and Plaintiffs Petersen Energía Inversora, S.A.U., Petersen Energía, S.A.U., Eton Park Capital Management, L.P., Eton Park Master Fund, Ltd., and Eton Park Fund, L.P. in connection with the Court’s Order at the February 18, 2021 status conference (*Petersen* ECF 297) and pursuant to the Scheduling Order (*Petersen* ECF 292) to provide a status update on fact discovery.

#### **Plaintiffs’ Document Production Status**

Plaintiffs have agreed to produce documents under the Court’s Order pursuant to Federal Rule of Evidence 502(d) (*Petersen* ECF No. 304; *Eton Park* ECF No. 238) within three weeks after its entry, i.e., by April 5, 2021. As noted in that Order, the parties will meet and confer thereafter about whether and how to pursue the Court’s proposal for in camera review of additional documents.

On March 12, 2021, the Petersen Plaintiffs made a small supplemental production comprised of documents identified in the course of a quality control review to ensure the completeness of Plaintiffs’ productions.

#### **Status of Production of Eskenazi Documents**

Plaintiffs have continued to encourage Enrique Eskenazi, Sebastián Eskenazi, Matías Eskenazi Storey, Ezequiel Eskenazi Storey, Mauro Dacomo, and Ignacio Cruz (collectively, the “Eskenazis”), through their counsel, Steven Reisberg of Chaffetz Lindsey LLP (“Chaffetz”), to produce documents in response to Defendants’ requests. The Eskenazis have retained a document vendor and agreed to substantially complete their document production by April 30, 2021. The Eskenazis have also agreed to make Sebastián Eskenazi and Matías Eskenazi Storey available for depositions consistent with the Federal Rules of Civil Procedure once the Eskenazis’ document production is substantially complete. Defendants’ counsel have not been a party to the most recent discussions and agreements between Plaintiffs’ counsel and the Eskenazis’ counsel regarding the Eskenazis’ discovery. Defendants have not agreed that

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these two depositions will be sufficient. The Eskenazis have agreed to consider in good faith any request by Defendants to depose additional witnesses.

### **Republic's Document Production Status**

The Republic has continued to restore backup tapes and review documents potentially responsive to Plaintiffs' document requests. The Republic made additional document productions on March 5 and March 19. While the Republic anticipates making additional rolling productions of a limited number of documents identified through its ongoing efforts, it believes its document production is now largely complete.

### **YPF's Document Production Status**

Since the February 18, 2021 status conference, YPF has made two additional document productions, one on March 6 and one on March 19. YPF has now substantially completed its document productions from the files of five of the seven custodians whom YPF does not contend are affiliated with Plaintiffs/the Eskenazis or Repsol S.A. ("Repsol"). YPF is in the process of completing its review of documents from the files of the two remaining custodians, both of whom were in-house counsel at YPF and whose files therefore require a particularly time-consuming privilege review, as well as completing its privilege review for the remaining custodial records. YPF currently expects to substantially complete its document productions from all seven of these custodians within the next several weeks, with its privilege log to follow in April.

### **Status of Consent Process Regarding Custodians YPF Contends Are Affiliated with Plaintiffs/the Eskenazis or Repsol**

YPF's counsel has had a number of productive communications with Chaffetz since the February 18 status conference concerning YPF's efforts to obtain consent from the six custodians whom YPF contends are affiliated with Plaintiffs/the Eskenazis and who are represented by Chaffetz. Debevoise and Chaffetz are in the process of negotiating specific terms pursuant to which YPF would be permitted to review and produce responsive, non-privileged documents from YPF's files related to these custodians.

There is one additional custodian whom YPF contends is affiliated with Plaintiffs/the Eskenazis, but who is not represented by Chaffetz, and a second additional custodian who is affiliated with Repsol whom YPF and its counsel have been unable to contact. YPF is continuing its efforts to identify and contact counsel for these two custodians.

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Plaintiffs continue to contend that they have no affiliation with any of these custodians, and that YPF must produce these custodians' documents regardless of whether it obtains their consent.

### **Status of Repsol Hague Proceedings**

Officials of the Spanish Ministry of Justice confirmed by email on March 11, 2021 that the Hague requests directed to Repsol were received by the relevant Spanish authorities and would be forwarded to the Court of Madrid on or around March 12, 2021. YPF has not yet received any further update on the status of these proceedings or on an anticipated schedule for compliance with the relevant requests.

### **Exchange of Search Parameters**

Following the February 18 status conference, the parties met and conferred on February 23 about a potential mutual exchange of search parameters. The parties are continuing to confer regarding the details of the search parameters to be exchanged.

### **Burford Discovery**

Burford has informed Defendants that it expects to substantially complete its document production by March 31, 2021. There are a few relatively limited open issues regarding the scope of the Burford production that Defendants and Burford are working to resolve.

Respectfully submitted,

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cc: Counsel of Record